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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,241	10/17/2001	Robbert Christiaan Van Ommering	PHNL 000550	7627

24737 7590 08/02/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT

PAPER NUMBER

2126

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/982,241

Applicant(s)

VAN OMMERING, ROBBERT  
CHRISTIAAN

Examiner

Lewis A. Bullock, Jr.

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/4/02</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Specification*

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

1. The disclosure is objected to because of the following informalities: The specification does not break down the disclosure into the suggested sections.

Appropriate correction is required.

***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. In particular foreign application EP 0271945 B1 has not been considered and must be submitted for consideration.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by O'ROURKE (U.S. Patent 6,212,574).

As to claim 1, O'ROURKE teaches in an audio apparatus (special purpose or general computer that performs audio processing) (col. 7, lines 50-67; col. 9, lines 39-47), a method of controlling an arrangement of a plurality of hardware components

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(kernel mode filters), at least some of which are coupled to one another via signal leads (connection of pins) (col. 12, lines 2-9), by means of a data processing unit (CPU) (col. 7, lines 62-67; col. 8, lines 23-27) and a computer program (executable instructions) which is executed therein, characterized in that the computer program comprises sub-modules (proxy filters) which correspond to the hardware components (corresponding kernel mode filters) and are connected via data channels (virtual connections of pins in proxy filters) in conformity with the real signal leads (connection of pins) between the hardware components (col. 11, lines 1-22; col. 11, line 65 – col. 12, line 19; col. 13, lines 13-25; col. 13, lines 38-58).

As to claim 2, O'ROURKE teaches that the data channels (pin connections) between the sub-modules (proxy filters) are adapted in conformity with the dynamic changing of the signal leads (pin connections) between the hardware components (kernel mode filters) (col. 5, lines 20-25).

As to claim 3, O'ROURKE teaches all data channels utilize the same communication protocol (COM) (col. 12, line 52 – col. 13, line 4; col. 13, line 22-34).

As to claim 4, O'ROURKE teaches that the hardware components are core cells (drivers / kernel mode functionality) (col. 7, lines 19-48).

As to claims 5 and 6, reference is made to an audio apparatus that corresponds to the method of claim 1 and is therefore met by the rejection of claim 1 above.

4. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by WOLD (U.S. Patent 5,386,568).

As to claim 1, WOLD teaches in an audio apparatus (music synthesizer) (col. 19, lines 57-61; col. 5, lines 26-31), a method of controlling an arrangement of a plurality of hardware components (hardware devices) at least some of which are coupled to one another via signal leads (cables / wires), by means of a data processing unit (embedded processors) (col. 19, lines 28-31; col. 19, lines 42-46; col. 19, line 55 – col. 20, line 3) and a computer program (software) which is executed therein, characterized in that the computer program comprises sub-modules (software modules) (col. 11, lines 2-5; col. 4, lines 65-67) which correspond (are associated) to the hardware components (hardware devices) and are connected via data channels (via input / output communication software connections) in conformity with the real signal leads (cables / wires) between the hardware components (hardware devices) (col. 11, lines 7-33; col. 12, lines 43-66; col. 19, lines 2-5; col. 19, lines 34-42; col. 9, lines 61-68; col. 20, lines 14-17).

As to claim 3, WOLD teaches all data channels utilize the same communication protocol (col. 20, lines 17-19; col. 11, lines 2-25).

As to claim 4, WOLD teaches that the hardware components are printed circuit boards, layout cells, microchips and/or core cells (col. 19, lines 57-61).

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As to claims 5 and 6, reference is made to an audio apparatus that corresponds to the method of claim 1 and is therefore met by the rejection of claim 1 above.

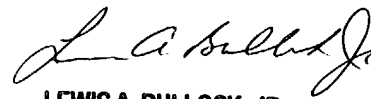
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 22, 2004

  
**LEWIS A. BULLOCK, JR.**  
**PRIMARY EXAMINER**